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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/658,777 | 09/10/2003 | Gene Savchuk | 20501.802 | 4073 |

7590 04/27/2007
PATTON BOGGS LLP
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Washington, DC 20037-1350

EXAMINER

LIN, KENNY S

ART UNIT PAPER NUMBER

2152

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|----------------------------------------|------------|---------------|
| 3 MONTHS | 04/27/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/658,777

Applicant(s)

SAVCHUK, GENE

Examiner

Kenny Lin

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/22/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-14, 18, 19, 21 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-17, 20 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-23 are presented for examination.

Election/Restrictions

2. Claims 1-14, 18-19 and 21-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected groups, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 2/22/2007.

Applicant's election with traverse of claims 15-17, 20 and 23 in the reply filed on 2/22/2007 is acknowledged. The traversal is on the ground(s) that each of the groups requires receiving network communications followed by a detection-type process and would not have been a serious burden on the examiner to examine all of the groups. This is not found persuasive because each of these detection-type process is independent and patentable distinct from each other. Furthermore, the groups can be classified in different classes and subclasses. The requirement is still deemed proper.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 15-17, 20 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Doyle et al (Doyle), US 2005/0039034.
5. As per claim 15, Doyle taught the invention as claimed including a method comprising:
 - a. Receiving network data (pp. 0038, 0053, 0081); and
 - b. Preventing, through the network data, leaks of information by at least applying multi-dimensional content profiling (pp. 0014, 0021, 0038, 0040-0041, 0044-0047, 0050-0051, 0057-0060, 0081-0087).
6. As per claim 16, Doyle taught the invention as claimed in claim 15. Doyle further taught that the information includes a digital asset (pp. 0038, 0122).
7. As per claim 17, Doyle taught the invention as claimed in claim 15. Doyle further taught that the multi-dimensional content profiling takes into account the structure of the information (pp. 0038, 0040).
8. As per claim 20, Doyle taught the invention as claimed including a machine-readable medium having encoded information, which when read and executed by a machine causes a method comprising:
 - a. Receiving network data (pp. 0038, 0053, 0081); and

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- b. Preventing, through the network data, leaks of information by at least applying multi-dimensional content profiling (pp. 0014, 0021, 0038, 0040-0041, 0044-0047, 0050-0051, 0057-0060, 0081-0087).

9. As per claim 23, Doyle taught the invention as claimed including an apparatus comprising:

- a. A receiver to receive network data (pp. 0038, 0053, 0081); and
- b. A processor, coupled to the receiver, to prevent, through the network data, leaks of information by at least applying multi-dimensional content profiling (pp. 0014, 0021, 0038, 0040-0041, 0044-0047, 0050-0051, 0057-0060, 0081-0087).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kawaguchi, US 2003/0158822.

Sato et al, US 2007/0061276.

11. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Kenny Lin', with a stylized flourish at the end.

ksl
April 24, 2007